

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the following remarks.

Applicant amended independent claims 85, 87, 89, and 92 in the prior action to facilitate prosecution and without conceding the propriety of their rejections. As these amended claims were not allowed, Applicant removes these amendments to return these claims to their prior state.

§103 REJECTIONS

Claims 1-13, 41-43, 50, 82-92, 98, 101, and 103 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the publication "Using Corel WordPerfect 9" by Laura Acklen and Read Gilgen (Acklen). This rejection is respectfully traversed.

Claims 1-13

The Office argues that Acklen teaches every element of claims 1-13 other than "wherein the table appearance manager and the spreadsheet functionality manager are architecturally separate system managers of the architecture." The Office argues that this element was "commonly known to those of ordinary skill in the art." The Office provides no factual evidence and no references to prove this point. Applicant respectfully submits that the Office's basis for rejecting these claims falls short of establishing a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness the Office must provide factual support. According to MPEP 2142 (emphasis added):

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.*

The Office asserts, without a reference of any kind, that these claims are obvious in view of what “was commonly known.” But the Office must provide facts to establish a *prima facie* case of obviousness. Because the Office has not presented sufficient facts, Applicant submits that the Office has failed to establish a *prima facie* case in rejecting claims 1-13. Applicant is under no obligation to submit evidence of nonobviousness without a *prima facie* showing.

Claims 41-43, 50, 82-84, 98, and 100

The Office rejects these claims on the same basis as claim 1 and on additional bases that do not provide the deficiency in the Office’s rejection of claim 1. For at least those reasons set forth with respect to claims 1-13 above, the Office has not establish a *prima facie* case of obviousness in rejecting claims 41-43, 50, 82-84, 98, and 100.

Claims 85-92

The Office rejects claims 85-92 based on its rejection of claim 82 and on what the Office argues “was commonly known to those of ordinary skill in the art.” Applicant respectfully submits that the Office’s basis for rejecting these claims falls short of establishing a *prima facie* case of obviousness.

The Office's argument:

Acklen teaches the method integrating text and a spreadsheet table within a common document as discussed in independent claim 82 above.

It was commonly known to those of ordinary skill in the art and would have been obvious at the time the invention was made to a person having ordinary skill in the art to that the elements claimed in claims 85-92 are well-known features in word processing documents such as Wordperfect for the purpose of document processing.

To establish a *prima facie* case of obviousness the Office must provide factual support.

According to MPEP 2142 (emphasis added):

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.*

The Office asserts, without a factual basis or a reference of any kind, that these claims are obvious in view of what "was commonly known." Note that the Office uses the same basis in rejecting claims 1-13, 82-84, and 98 but to teach different features. For claims 1-13, 82-84, and 98, the Office argues that it "was commonly known" that a "table appearance manager" and a "spreadsheet functionality manager" be "architecturally separate system managers" of an architecture. Here the Office argues that whatever additional elements are not taught by Acklen, or by what "was commonly known" regarding architectures, renders obvious claims 85-92. The Office not only rejects these claims without factual evidence, the Office does not even mention the elements of claims 85-92 that are rejected on this basis.

The Office must provide facts to establish a *prima facie* case of obviousness but has not done so. For at least this reason, Applicant submits that the Office has failed to establish a *prima facie* case in rejecting claims 85-92. Applicant is under no obligation to submit evidence of nonobviousness without a *prima facie* showing.

Claims 44-49 and 99-100

Claims 44-49 and 99-100 were rejected under 35 U.S.C. §103(a) as being obvious over Acklen in view of U.S. Patent No. 5,630,126 (Redpath).

The Office rejects these claims relying in part on the same basis as claim 41 and thus claim 1. As submitted above, the Office has failed to establish a *prima facie* case of obviousness in rejecting claims 1 and 41. The Office's additional arguments provided specifically to reject claims 44-49 and 99-100 do not provide the deficiencies of the Office's rejections of claims 1 and 41. For at least these reasons, the Office has not established a *prima facie* case of obviousness in rejecting these claims.


CONCLUSION

For at least the foregoing reasons, claims 1-13, 41-50, 82-92, 98-101, and 103 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections.

If there are any issues that would prevent allowance of this case, **the Examiner is requested to contact the undersigned attorney to resolve them.**

Respectfully Submitted,

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By: 
Michael K. Colby
Lee & Hayes, PLLC
Reg. No. 45,816
(509) 324-9256 ext. 240